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APPLICATION N	0.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/860,231		07/25/1997	JEAN-NOEL THOREL	WPB-39818	8733
25944	7590	06/17/2003			
	BERRID	GE, PLC	EXAMINER		
P.O. BOX 19928 ALEXANDRIA, VA 22320				WITZ, JEAN C	
			•	ART UNIT	PAPER NUMBER
				1651	
			DATE MAILED: 06/17/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

-		Application No.	Applicant(s)				
		08/860,231	THOREL ET AL.				
	Office Action Summary	Examiner	Art Unit				
•	•	Jean C. Witz	1651				
The MAILING DATE of this communication appears on the cover she t with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status							
1)[	Responsive to communication(s) filed on						
2a)⊠		s action is non-final.					
3)							
Dispositi	ion of Claims		, 100 0,0,2,0.				
4)⊠	Claim(s) 40,71,75,77,79,112,130-136,138-145	5,147-153,155-161,163 and 164	4 is/are pending in the application.				
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)⊠	Claim(s) 77 and 164 is/are allowed.						
6)⊠	Claim(s) 40,71,75,79,112,130-136,138-145,147-153,155-161 and 163 is/are rejected.						
7)	Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.  Application Papers							
9)[	The specification is objected to by the Examiner						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12)☐ The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) All b) Some * c) None of:							
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents	have been received in Applica	ation No				
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
a) ☐ The translation of the foreign language provisional application has been received.  15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Attachment							
2) Notice 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informa	ary (PTO-413) Paper No(s)  Il Patent Application (PTO-152)				

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# **DETAILED ACTION**

# Response to Arguments

Applicant's arguments filed April 2, 2003 have been fully considered but they are not persuasive for the reasons set forth below.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 40, 71, 75, 79, 112, 130-136, 138-145, 147-153, 155-161, and 163 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 413639.

Broadest reasonable interpretation of the term "plurality of assimilable organic components" is deemed to mean "more than one assimilable organic components".

Example 1 (Beispiel 1) contains adenine, glucose, and myo-insitol, thereby anticipating the cited claims. Applicants' assertion that the reference fails to disclose a "plurality" of the claimed components does not provide any reasons why the three components disclosed in Example 1 fails to comprise a "plurality".

#### Allowable Subject Matter

Claims 77 and 164 are allowed.

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#### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean C. Witz whose telephone number is (703) 308-3073. The examiner can normally be reached on 6:30 a.m. to 4:00 p.m. M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on (703) 308-4743. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9307 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Primary Examiner
Art Unit 1651

June 16, 2003